IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 2420 of 2005

Between:

Gowru Srinivas, s/o Guravaiah,
r/o Shettipalem Village, Vemulapalli Mandal, Nalgonda District.

..... PETITIONER

AND

1 The Sub Inspector of Police, Vemulapalli Police Station, Nalgonda District.
2 The Inspector of police, Vemulapalli Police Station, Nalgonda District.
3 The Superintendent of Police, Nalgonda.
4 Gowru Venkateshwarlu, s/o Guravaiah, r/o Miryalaguda, Nalgonda District.
5 Gowru Rajesh, s/o Venkateshwarlu, r/o Miryalaguda, Nalgonda District.
6 Gowru Pradeep Kumar, s/o Venkateshwarlu, r/o Miryalaguda, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 1 to 3 in registering case against the respondents No.4 to 6 and others on the complaint given by the petitioner on 26-1-2005, 29-1-2005 & 3-2-2005 and also in not arresting the respondents 4 to 6 and others in Cr.No.9/2005 of P.S.Vemulapally is highly arbitrary, bad and illegal and consequently direct the respondents not to interfere with the groundnut crop of the petitioner and pass such other order or orders as deem fit and proper.

Counsel for the Petitioner: MR.G.MALLESHAM

Counsel for Respondents 1 to 3.: GP FOR HOME

Counsel for Respondents 4 to 6: None appeared

The Court at the stage of admission made the following ORDER:

The petitioner claims that respondents 4 to 6 are interfering with his possession over the landed property in various survey numbers of Mundlapahad and Shettipalem villages of Vemulapalli mandal and, in fact, proceedings under Sections 145 and 146 Cr.P.C. were initiated by the Sub-Divisional Magistrate. His present grievance is that though crime No.9 of 2005 was registered by the first respondent against respondents 4 to 6, follow up action is not taken and taking advantage of the same, respondents 4 to 6 are interfering with his possession over the land.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The petitioner has referred to several proceedings such as those initiated under Sections 145 and 146 Cr.P.C. and an order passed by a Sessions Court in a revision. The present complaint is about the alleged inaction on the part of respondents 1 to 3 to proceed against respondents 4 to 6. Even assuming that respondents 4 to 6 have interfered with the possession of the petitioner over the land, there is not much that can be expected from the police. It is mostly in the realm of civil disputes. If the petitioner is so advised, he can approach a civil Court and obtain an order of temporary injunction, duly satisfying the Court. Inasmuch as the police have already registered crime No.9 of 2005, the petitioner has to await the outcome of the investigation therein. This Court cannot issue any directions at this stage.

Hence, the writ petition is disposed of, leaving it open to the petitioner to work out his remedies in accordance with law, including the one to file a suit for injunction. Further, if the petitioner is of the view that any complaint submitted by him is not acted upon by the police, it shall be open to him to approach the Magistrate concerned with a petition under Section 200 Cr.P.C. There shall be no order as to costs.

14.02.2005

ksld

To

1 The Sub Inspector of Police, Vemulapalli Police Station, Nalgonda District.
2 The Inspector of police, Vemulapalli Police Station, Nalgonda District.
3 The Superintendent of Police, Nalgonda.
4 Two C.Cs. to the Government Pleader for Home, High Court of A.P., Hyderabad, (OUT).

5 Two C.D. Copies.